

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ADJUSTACAM LLC

*Plaintiff*

v.

AMAZON.COM, INC. *et al.*,

*Defendants*

Case No. 6:10-cv-329-LED

**JURY TRIAL DEMANDED**

**DEFENDANT OFFICE DEPOT, INC.’S NOTICE OF JOINDER IN DEFENDANT DELL  
INC.’S REPLY IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF’S  
ALLEGATIONS OF INDIRECT INFRINGEMENT AND WILLFUL INFRINGEMENT  
FOR FAILURE TO STATE A CLAIM**

Defendant Office Depot, Inc. (“Office Depot”) hereby joins Defendant Dell Inc.’s Reply in Support of its Motion to Dismiss Plaintiff’s Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Docket No. 273) and the arguments and authorities found therein. Office Depot has previously joined Dell Inc.’s Corrected Motion to Dismiss Plaintiff’s Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Docket No. 199 (Office Depot’s Notice of Joinder); Docket No. 164 (Dell’s Motion to Dismiss)).

AdjustaCam LLC’s (“AdjustaCam”) allegations of indirect infringement against Office Depot are substantively the same as those it has asserted against Dell, Inc. (“Dell”), and are deficient for the same reasons set forth in Dell’s Reply. *Compare* First Amended Complaint for Patent Infringement (Docket No. 111), ¶ 152 (Office Depot) *with* ¶ 92 (Dell); *see also id. at* ¶ 224 (Office Depot & Dell). Because AdjustaCam has not adequately pled the required facts to support an allegation that Office Depot indirectly or willfully infringed the patent-in-suit, its indirect infringement and willful infringement claims against Office Depot should be dismissed.

DATED: October 6, 2010

By: /s/ Steven R. Daniels

W. Bryan Farney  
Lead Attorney  
Texas State Bar No. 06826600  
Steven R. Daniels  
Texas State Bar No. 24025318  
Bryan D. Atkinson  
Texas State Bar No. 24036157  
DECHERT LLP  
300 W. 6<sup>th</sup> Street, Suite 2010  
Austin, Texas 78701  
Telephone: (512) 394-3000  
Facsimile: (512) 394-3001  
E-mails: bryan.farney@dechert.com  
steven.daniels@dechert.com  
bryan.atkinson@dechert.com

**ATTORNEYS FOR DEFENDANT  
OFFICE DEPOT, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires. Local Rule CV-5(a)(3)(A).

/s/ Steven R. Daniels